

VARIANCE APPLICATION

Community
Development
Dunwoody
Smart people - Smart city

41 Perimeter Center East | Dunwoody, GA 30346
Phone: (678) 382-6800 | Fax: (770) 396-4828

Project #: _____ Date Received: _____

*** Type:**

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 20-Signs ☒ Chapter 27-Zoning

Code section from which variance is sought: 27 - 147(z)

Nature of Request: Contextual Setbacks on Nerie Circle
See Attach Planning Corrections List

*** Project:**

Name of Project / Subdivision: 5202 Chamblee Dunwoody, GA Zoning: R-100

Property Address / Location: 5202 Chamblee Dunwoody, GA

District: _____ Land Lot: _____ Block: _____ Property ID: _____

*** Owner Information:**

Owner's Name: Caswyn Construction LLC "Bubba Gwyn"

Owner's Address: 4411 Suwanee Dam Rd. Suite 425 Suwanee, GA 30024

Phone: 770-318-1649 Fax: _____ Email: BubbaCGC@gmail.com

*** Applicant Information:** ☒ Check here if same as Property Owner

Contact Name: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

*** Terms & Conditions:**

I hereby certify that to the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Zoning Ordinance) will result in the rejection of this application.

Applicant's Name: Caswyn Construction LLC

Applicant's Signature: Bubba Gwyn Date: 10-23-14

*** Notary:**

Sworn to and subscribed before me this 23 Day of October, 2014

Notary Public: Teresa Hollingsworth

Signature: Teresa Hollingsworth

My Commission Expires: _____



*** Office Use:**

☐ Application Fee Paid ☐ Sign Fee Paid (\$135 x number of signs required) Fee: \$ _____

Payment: ☐ Cash ☐ Check ☐ CC Date: _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied Date: _____

Property Owner(s) Notarized Certification

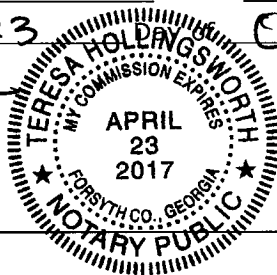
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The owner and petitioner acknowledge that this application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

* Property Owner (If Applicable):

Owner Name:	<u>William Ewyn Casswyn Construction LLC</u>		
Signature:	<u>[Signature]</u>	Date:	<u>10-23-14</u>
Address:	<u>4411 Suwanee Dam RD Suite 425 Suwanee GA 30024</u>		
Phone:	<u>770-318-1649</u>	Fax:	<u></u>
		Email:	<u>BubbaCGC@gmail.com</u>
Sworn to and subscribed before me this	<u>23</u>	October	<u>2014</u>
Notary Public:	<u>[Signature]</u>		



* Property Owner (If Applicable):

Owner Name:	<u></u>		
Signature:	<u></u>	Date:	<u></u>
Address:	<u></u>		
Phone:	<u></u>	Fax:	<u></u>
		Email:	<u></u>
Sworn to and subscribed before me this	<u></u>	Day of	<u></u> , 20 <u></u>
Notary Public:	<u></u>		

* Property Owner (If Applicable):

Owner Name:	<u></u>		
Signature:	<u></u>	Date:	<u></u>
Address:	<u></u>		
Phone:	<u></u>	Fax:	<u></u>
		Email:	<u></u>
Sworn to and subscribed before me this	<u></u>	Day of	<u></u> , 20 <u></u>
Notary Public:	<u></u>		

Campaign Disclosure Ordinance



41 Perimeter Center East | Dunwoody, GA 30346
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Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

GA Citation/Title

GA Code 36-67A-3, Disclosure of campaign contributions

*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

Official Code of Georgia Annotated Copyright 1982 - 2000 State of Georgia.

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Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?

☒ NO

5202 Chamble Dunwoody Rd

[illegible]

City of Dunwoody
41 Perimeter Center East
Dunwoody, GA 30346

November 6, 2014

SUBJECT: Letter of Intent for Zoning Variances (Chapter 27)
5202 Chamblee-Dunwoody Road – Casgwyn Construction, LLC

TO WHOM IT MAY CONCERN:

The applicant respectfully requests a variance from **Section 27-147 (2) d. (*Residential infill*)** of the *City of Dunwoody Code of Ordinances*.

5202 Chamblee-Dunwoody Road is a corner lot located at the southernmost intersection of Nerine Circle with Chamblee-Dunwoody Road (zoning R-100). The lot was originally platted in 1954. The original dwelling (demolished in 2014) was constructed in 1955. The original dwelling was located 58 feet from the right-of-way of Chamblee-Dunwoody Road and 24 feet from the right-of-way of Nerine Circle (see *Existing Conditions Plan*).

The applicant proposes to construct a new house on the lot located at 5202 Chamblee-Dunwoody Road, and the location of this house must be in conformance with the City's contextual setback requirements (see *Proposed Conditions Plan*).

Section 27-147 (2) d. of the *City of Dunwoody Code of Ordinances* states that "If the subject lot is a corner lot, the street setback range must be determined on the basis of the nearest two lots with frontage on the same street as the subject lot".

The existing homes at 5210 and 5218 Chamblee-Dunwoody Road are located 55 feet and 62 feet from the right-of-way of Chamblee-Dunwoody Road. Based on Section 27-147, the proposed house at 5202 Chamblee-Dunwoody Road must be located between 55 feet and 62 feet from Chamblee-Dunwoody Road. The applicant proposes to construct the new house 58 feet from the right-of-way of Chamblee-Dunwoody Road, in conformance with the contextual setback requirements.

The existing homes at 1295 and 1303 Nerine Circle are located 95 feet and 89 feet from the right-of-way of Nerine Circle. Based on Section 27-147, the proposed house at 5202 Chamblee-Dunwoody Road must be located between 89 feet and 95 feet from Nerine Circle. **The applicant proposes to construct the new house 36 feet from the right-of-way of Nerine Circle. This setback is not in conformance with the contextual setback requirements, and the applicant is requesting a variance from the requirements of Section 27-147 (2) d.**

1) *By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this Chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district;*

A strict application of the contextual setback requirements would render the lot unbuildable. Based on the contextual setbacks presented above, the buildable area of this lot would be between 5 feet and 12 feet wide and 102 feet long. This is too narrow for the construction of any type of house

2) *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located;*

The requested relief will not constitute a grant of special privilege since the proposed home will meet the standard R-100 side (street) setback requirement of 35 feet.

3) *The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located;*

The original dwelling, which occupied this lot for 59 years, was located only 24 feet from the right-of-way of Nerine Circle. If this variance is approved, the proposed house will be located 36 feet from Nerine Circle. The proposed dwelling will be comparable to recently constructed homes on Nerine Circle. As a result, the requested relief will not be detrimental to the public welfare or to adjacent and nearby properties.

4) *The literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship;*

Strict adherence to the contextual setback requirements will cause me an undue and unnecessary hardship by rendering my lot unbuildable.

5) *The requested variance would be consistent with the spirit and purpose of this Chapter and the City of Dunwoody Comprehensive Plan text; and*

The proposed dwelling to be constructed on this lot will be comparable to recently constructed homes on Nerine Circle, and will meet or exceed all other minimum standards for homes to be constructed in the R-100 zoning district. As a result, the variance is consistent with the spirit and purpose of City of Dunwoody plans and regulations.

6) *How although economic considerations may be taken into consideration as a hardship, they are not, of themselves, be the sole criteria upon which the applicant seeks this variance.*

While I have made this application for the purpose of protecting my economic interests, I also desire that my property be redeveloped in a manner which will ultimately increase the values of my neighbors' property.

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the variance requested will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article P, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

RESPECTFULLY,

Bubba Gwyn
CASGWYN CONSTRUCTION, LLC
4411 Suwanee Dam Road
Suwanee, Georgia 30024

LAND DESCRIPTION
5202 Chamblee-Dunwoody Road
Dunwoody, Georgia

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 363 of the 18th Land District, DeKalb County, Georgia, containing 0.49 acres (DeKalb County tax parcel 18 363 04 004), and being more particularly described as follows:

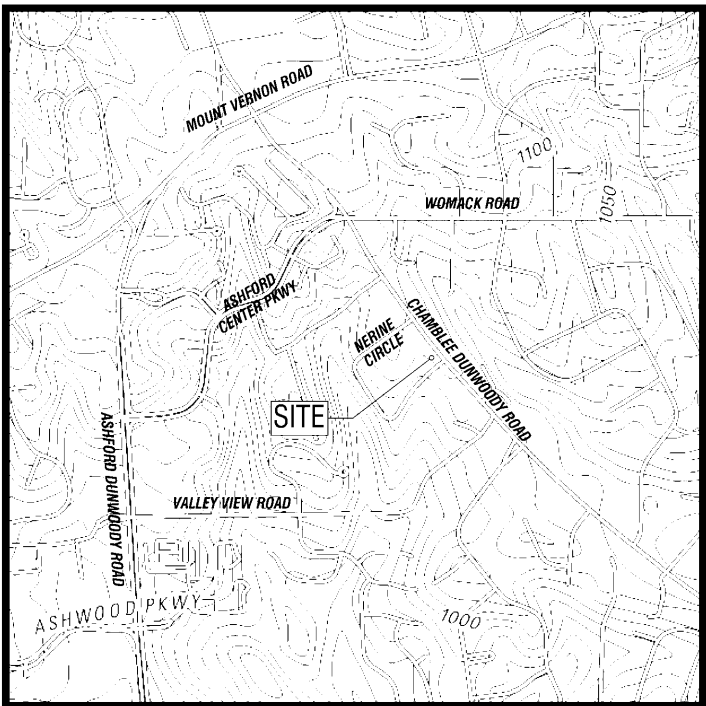
TO LOCATE THE TRUE POINT OF BEGINNING, begin at the southernmost intersection of the western margin of Chamblee-Dunwoody Road (60-foot right-of-way) with the northern margin of Nerine Circle (60-foot right-of-way); thence, following the northern margin of Nerine Circle South 48 degrees 16 minutes 18 seconds West, 199.56 feet to a point; thence departing said right-of-way, North 37 degrees 52 minutes 00 seconds West, 114.00 feet to a point; thence North 52 degrees 18 minutes 04 seconds East, 197.23 feet to a point on the western margin of Chamblee-Dunwoody Road (60-foot right-of-way); thence, following the western margin of Chamblee-Dunwoody Road South 38 degrees 56 minutes 44 seconds East, 100.00 feet to the TRUE POINT OF BEGINNING.

Said tract being the same as shown on the *Existing Conditions Plan for 5202 Chamblee-Dunwoody Road*, prepared by Blue Landworks, LLC, and dated November 5, 2014.

CONTEXTUAL STREET SETBACK VARIANCE APPLICATION FOR 5202 CHAMBLEE-DUNWOODY ROAD DUNWOODY, GEORGIA 30338

BY
CASGWYN CONSTRUCTION, LLC
4411 SUWANEE DAM ROAD
SUWANEE, GEORGIA 30024

LOCATED IN
LAND LOT 363
OF THE 18TH LAND DISTRICT
CITY OF DUNWOODY
DeKALB COUNTY, GEORGIA



VICINITY MAP
NOT TO SCALE

ISSUE NO.	DATE	DESCRIPTION
1	11/5/2014	SUBMIT TO CITY OF DUNWOODY

GENERAL NOTES

- Property is identified as DeKalb County tax parcel 18 363 04 004 (5202 Chamblee–Dunwoody Road).
- Existing zoning: R–100
- Total property area: 0.49 acres (21,300 square feet)
- Property owner: Casgwyn Construction, LLC
4411 Suwanee Dam Road
Suwanee, Georgia 30024
- Existing structure: Detached single–family residence (demolished 2014)
- This property is NOT located in a federally designated flood hazard area as shown on Flood Insurance Rate Map Panel 13089C0005J, dated May 16, 2013.
- Sewage disposal provided by on–site septic system.
- Water supply provided by DeKalb County.
- Posted speed limit on Nerine Circle is 25 mph. Posted speed limit on Chamblee–Dunwoody Road is 35 mph.
- Boundary survey performed by Blue Landworks, LLC on August 7, 2013.
- There are no lakes, streams, wetlands or Waters of the State within 200 feet of the subject parcels.
- Existing house locations from survey performed by Blue Landworks, LLC on November 4, 2014.

PROPOSED DEVELOPMENT

- Current zoning: R–100 (standard conditions)
Street, Front Setback: 40 feet (Chamblee–Dunwoody Road)
Street, Side Setback: 35 feet (Nerine Circle)
Side, Interior Setback: 10 feet
Rear Setback: 40 feet
Maximum building height: 35 feet
Minimum lot area: 15,000 square feet
Maximum lot coverage: 35%
Minimum floor area: 2,000 square feet
- Contextual Setbacks:
5218 Chamblee–Dunwoody Road (62 feet)
5210 Chamblee–Dunwoody Road (55 feet)
1295 Nerine Circle (95 feet)
1303 Nerine Circle (89 feet)
- Proposed Setbacks for 5202 Chamblee–Dunwoody Road:
Chamblee–Dunwoody Road: 58 feet (within contextual setbacks above)
Nerine Circle: 36 feet (**VARIANCE REQUESTED**)

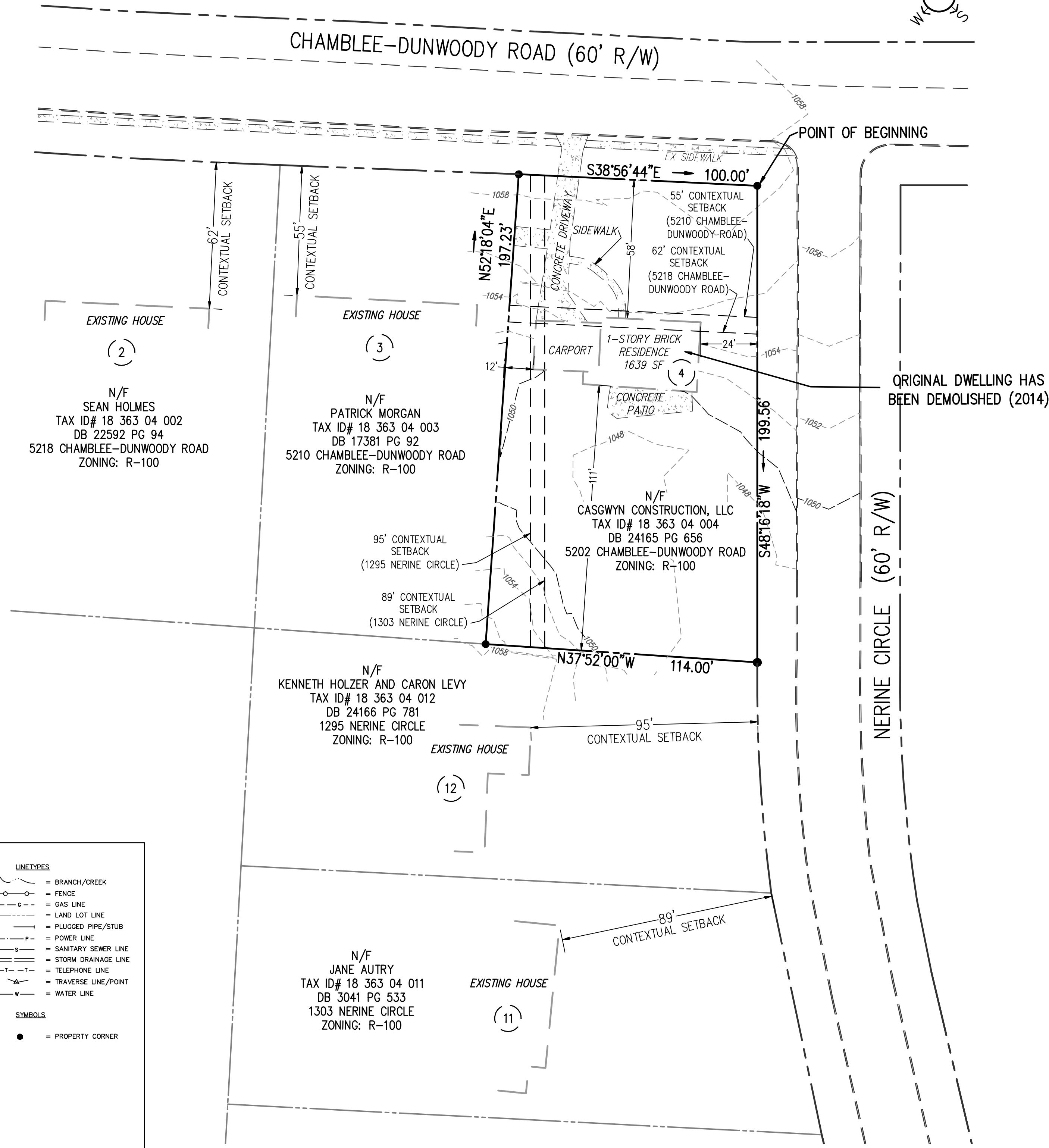
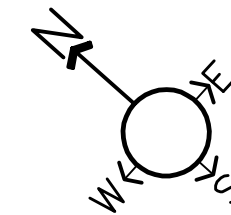
SHEET INDEX

EXISTING CONDITIONS PLAN	1
PROPOSED CONDITIONS PLAN	2

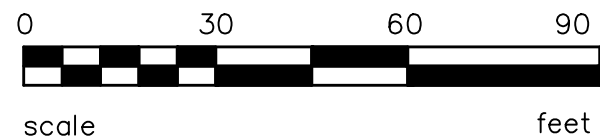
BLUE LANDWORKS LLC
400 Peachtree Industrial Blvd.
Suite 5–290
Suwanee, Georgia 30024
Tel: (678) 804–8586

info@bluelandworks.com
www.bluelandworks.com
PROJECT#2013–012





SCALE: 1" = 30'



ABBREVIATIONS		LEGEND	
APPROX	= APPROXIMATE	IE	= INVERT ELEVATION
BC	= BACK OF CURB	IPF	= IRON PIN FOUND
BM	= BENCHMARK	IPS	= IRON PIN SET - 1/2" REBAR
BW	= BOTTOM OF WALL	ICV	= IRRIGATION CONTROL VALVE
BLDG	= BUILDING	JB	= JUNCTION BOX
B/L	= BUILDING LINE	LLL	= LAND LOT LINE
CB	= CATCH BASIN	LP	= LIGHT POLE
C/L	= CENTERLINE	LOWP	= LOW POINT
CO	= CLEANOUT	WH	= MANHOLE
CONC	= CONCRETE	MSL	= MEAN SEA LEVEL
CMF	= CONCRETE MONUMENT FOUND	OTF	= OPEN TOP PIPE
CMP	= CORRUGATED METAL PIPE	OCS	= OUTLET CONTROL STRUCTURE
CSP	= CORRUGATED STEEL PIPE	PVMT	= PAVEMENT
CF	= CUBIC FEET	PE	= PEDESTAL
C&G	= CURB & GUTTER	PKF	= PK NAIL FOUND
CTF	= CRIMP TOP FOUND	PCP	= POLYVINYL CHLORIDE PIPE
DIA	= DIAMETER	POB	= POINT OF BEGINNING
DE	= DRAINAGE EASEMENT	PWR	= POWER
DI	= DROP INLET	PP	= POWER POLE
DIP	= DUCTILE IRON PIPE	PTP	= POWER/TELEPHONE POLE
EP	= EDGE OF PAVEMENT	P/L	= PROPERTY LINE
ELEV	= ELEVATION	PROP	= PROPOSED
EX	= EXISTING	RCP	= REINFORCED CONCRETE PIPE
FC	= FACE OF CURB	R/W	= RIGHT-OF-WAY
FT	= FEET	SSE	= SANITARY SEWER EASEMENT
FFE	= FINISHED FLOOR ELEVATION	SSMH	= SANITARY SEWER MANHOLE
FH	= FIRE HYDRANT	SWALK	= SIDEWALK
FES	= FLARED END SECTION	SF	= SQUARE FEET
FM	= FORCE MAIN	TEL	= TELEPHONE
GPMH	= GEORGIA POWER MANHOLE	TB	= TOP OF BANK
GI	= GRATE INLET	TC	= TOP OF CURB
GR	= GROUND	TPOB	= TRUE POINT OF BEGINNING
GW	= GUY WIRE	TW	= TOP OF WALL
HW	= HEADWALL	TRANS	= TRANSFORMER
HDPE	= HIGH DENSITY POLYETHYLENE	UG	= UNDERGROUND
HP	= HIGH POINT	UGTM	= UG TELEPHONE MARKER
INV	= INVERT	WM	= WATER METER
		WV	= WATER VALVE
		YI	= YARD INLET

LINETYPES	
	= BRANCH/CREEK
	= FENCE
	= GAS LINE
	= LAND LOT LINE
	= PLUGGED PIPE/STUB
	= POWER LINE
	= SANITARY SEWER LINE
	= STORM DRAINAGE LINE
	= TELEPHONE LINE
	= TRAVERSE LINE/POINT
	= WATER LINE

SYMBOLS	
	= PROPERTY CORNER



**BLUE
LANDWORKS
LLC**

CONSULTING ENGINEERS & SURVEYORS
400 PEACHTREE INDS. BLVD.
SUITE 5-290
SUWANEE, GA 30024
TELEPHONE: (678) 804-8586
INFO@BLUELANDWORKS.COM
WWW.BLUELANDWORKS.COM

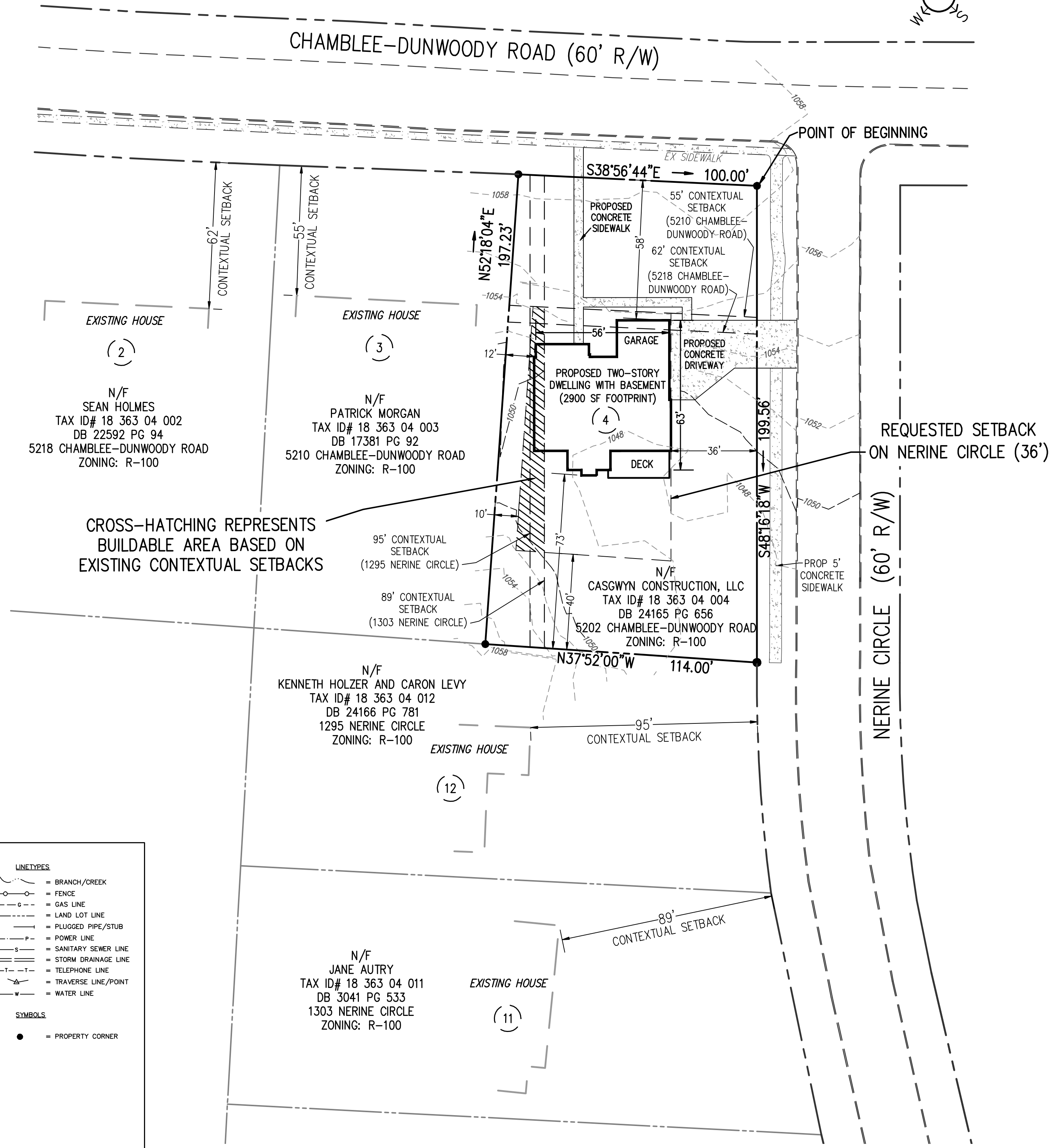
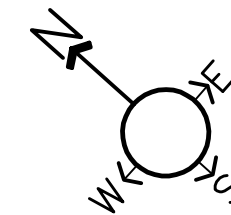
OWNER/DEVELOPER:
CASGWYN CONSTRUCTION, LLC
4413 SUWANEE DAM ROAD
SUWANEE, GA 30024

ISSUE #	DATE	REVISIONS
1	11/5/2014	SUBMIT TO CITY OF DUNWOODY

5202 CHAMBLEE-DUNWOODY ROAD DUNWOODY, GEORGIA 30338	
18th LAND DISTRICT	LAND LOT 363
CITY OF DUNWOODY	DeKALB COUNTY, GA
DRAWN: BG	CHECKED: SAM
	APPROVED: SAM

**EXISTING
CONDITIONS
PLAN**

PROJECT#2013-012
ISSUE #1
SHEET 1 OF 2

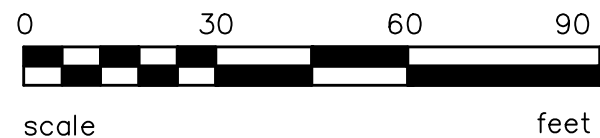


CROSS-HATCHING REPRESENTS
BUILDABLE AREA BASED ON
EXISTING CONTEXTUAL SETBACKS

REQUESTED SETBACK
ON NERINE CIRCLE (36')

NERINE CIRCLE (60' R/W)

SCALE: 1" = 30'



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18th LAND DISTRICT	LAND LOT 363
CITY OF DUNWOODY	DeKALB COUNTY, GA
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**PROPOSED
CONDITIONS
PLAN**

PROJECT#2013-012
ISSUE #1
SHEET 2 OF 2